

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Surrender by:

KATHLEEN HANSEN LYONS

36055 Turpin Way
Fremont, CA 94536

Case No. 2011-347

Registered Nurse License No. 314767
Nurse Practitioner Certificate No. NP 5060
Nurse Practitioner Furnisher Certificate No. NPF 5060

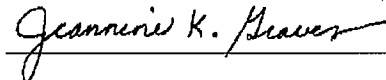
Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 4, 2011.**

IT IS SO ORDERED **March 4, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Stipulated Surrender by:

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12 **KATHLEEN HANSEN LYONS**
13 **36055 Turpin Way**
Fremont, CA 94536

STIPULATED SURRENDER
OF LICENSE AND ORDER

14 **Registered Nurse License No. 314767**
15 **Nurse Practitioner Certificate No. NP 5060**
Nurse Practitioner Furnisher Certificate No. NPF 5060

16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), is the Interim Executive Officer of the
22 Board of Registered Nursing (Board), Department of Consumer Affairs. She brought this action
23 solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney
24 General of the State of California, by Leslie E. Brast, Deputy Attorney General.

25 2. Kathleen Hansen Lyons (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel. She is advised in this matter by
27 her brother, Steve Hansen, who holds a durable power of attorney on her behalf for both financial
28 and health care purposes.

3. On or about March 31, 1980, the Board issued Registered Nurse License Number RN 314767 to Respondent. On or about September 14, 1989, the Board issued Nurse Practitioner Certificate Number NP 5060 to Respondent. On or about November 30, 1992, the Board issued Nurse Practitioner Furnisher Certificate Number NPF 5060 to Respondent. The license and certificates expired on April 30, 2010, and have not been renewed.

JURISDICTION

4. This matter is brought before the Board pursuant to Business and Professions Code (Code) section 2751, which states:

“(a) Notwithstanding any other law, the board may, in its discretion, accept the surrender of a license through a stipulated agreement in the absence of a pleading when the ability of a registered nurse to practice nursing safely is impaired due to mental or physical illness.

“(b) This alternative proceeding shall apply only to cases that would otherwise have been processed pursuant to Section 820.¹

“(c) Until the time that the licensee signs the stipulated agreement for license surrender, he or she may elect to have the disciplinary process conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

“(d) The stipulated agreement in this alternative proceeding shall specify that:

“(1) The license surrender shall be public information and shall be considered a disciplinary action.

“(2) The licensee may petition the board for reinstatement after a period of not less than one year after the effective date of the decision.

“(3) Any reinstatement proceeding shall be conducted pursuant to Section 2760.1.

¹ Code section 820 authorizes licensing agencies to order examination of a licensee by agency-designated physicians or psychologists “[w]henver it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate’s ability to practice is impaired due to mental illness, or physical illness affecting competency. . . The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.” Code section 821 states that “[t]he licentiate’s failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate’s certificate or license.”

“(4) Upon seeking reinstatement, it is the responsibility of the former licensee to submit competent evidence of the ability to safely and competently practice as a registered nurse.”

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with her advisor, and understands this Stipulated Surrender of License and Order and its effects on her license and certifications.

7. Respondent is fully aware of her legal rights in this matter, including the right to be represented by counsel at her own expense; the right to elect formal administrative adjudication of this matter following the Board's filing of a pleading; and all the other rights accorded by the California Administrative Procedure Act pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

STIPULATED SURRENDER

9. Respondent stipulates pursuant to Code section 2751 that: her ability to safely practice nursing is impaired due to mental or physical illness; she was diagnosed with dementia in 2007; as a result of her condition, she has been unable to work as a registered nurse or nurse practitioner since 2008.

10. Respondent hereby surrenders Registered Nurse License No. RN 314767, Nurse Practitioner Certificate Number NP 5060, and Nurse Practitioner Furnisher Certificate Number NPF 5060 for the Board's formal acceptance.

11. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her license and certifications without further process.

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CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Registered Nursing.

Respondent understands and agrees that counsel for Complainant and Board staff may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this surrender of license and order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. RN 314767, Nurse Practitioner Certificate No. NP 5060, and Nurse Practitioner Furnisher Certificate No. NPF 5060, issued to Respondent Kathleen Hansen Lyons, are surrendered and accepted by the Board of Registered Nursing.

16. The surrender of Respondent's license and certifications and the acceptance of the surrendered license and certifications by the Board shall be public information and shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of

1 the discipline and shall become a part of Respondent's license history with the Board.

2 17. Respondent shall lose all rights and privileges as a registered nurse and or nurse
3 practitioner in California as of the effective date of the Board's Decision and Order.

4 18. Respondent shall cause to be delivered to the Board her pocket license and, if one was
5 issued, her wall license certificate on or before the effective date of the Decision and Order.

6 19. If Respondent ever files an application for licensure or a petition for reinstatement in
7 the State of California, the Board shall treat it as a petition for reinstatement. Any reinstatement
8 proceeding shall be conducted pursuant to Business and Professions Code section 2760.1.
9 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
10 revoked license in effect at the time the petition is filed, and all of the admissions and stipulations
11 contained in this Stipulated Surrender of License and Disciplinary Order shall be deemed to be
12 true, correct and admitted by Respondent when the Board determines whether to grant or deny the
13 petition. Upon seeking reinstatement, it is the responsibility of the former licensee to submit
14 competent evidence of her ability to safely and competently practice as a registered nurse.

15 20. Respondent shall not apply for licensure or petition for reinstatement for one (1) year
16 from the effective date of the Board of Registered Nursing's Decision and Order.

17 ACCEPTANCE

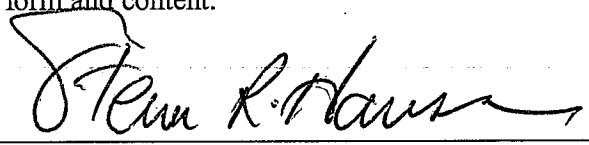
18 I have carefully read the Stipulated Surrender of License and Order and have fully
19 discussed it with my brother, Steve Hansen, who is my advisor in this matter and who holds a
20 durable power of attorney on my behalf for both financial and health care purposes. I understand
21 the stipulation and the effect it will have on my Registered Nurse License, Nurse Practitioner
22 Certificate, and Nurse Practitioner Furnisher Certificate. I enter into this Stipulated Surrender of
23 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
24 Decision and Order of the Board of Registered Nursing.

25
26 DATED: 10/19/10


KATHLEEN HANSEN LYONS
Respondent

1 I have read and fully discussed with my sister Kathleen Hansen Lyons, for whom I am the
2 holder of a durable power of attorney for both financial and health care purposes, the Stipulated
3 Surrender of License and Order. I approve its form and content.

4
5 DATED: 10-19-10


STEVE HANSEN

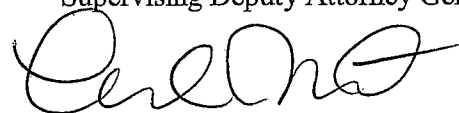
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8 ENDORSEMENT

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
10 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

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12 DATED: Nov. 4, 2010

Respectfully submitted,

13 EDMUND G. BROWN JR.
14 Attorney General of California
15 FRANK H. PACOE
16 Supervising Deputy Attorney General



17 LESLIE E. BRAST
18 Deputy Attorney General
19 *Attorneys for Complainant*

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